



MICHAEL R. PENCE, Governor
STATE OF INDIANA

INDIANA DEPARTMENT OF HOMELAND SECURITY
302 West Washington Street
Indianapolis, IN 46204

COMMISSION MEETING MINUTES

Indiana Fire Prevention and
Building Safety Commission
Government Center South
302 W. Washington Street
Indianapolis, Indiana 46204
Conference Center Room B

November 6, 2013

Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman Hawkins at 9:09 a.m. on November 6, 2013.

(a) Commissioners present at the Commission meeting:

Diana M. H. Brenner
Ron Brown
Tom Cloud
Kevin Goeden, representing the Commissioner, Department of Labor
John Hawkins, Chairman
Randal Snyder in for Todd Hite, representing the Commissioner, Department of Health
James Hoch
Matt Mitchell
Patrick Richard
Craig Von Deylen

(b) The following departmental and support staff were present during the meeting:

Legal and Code Services
Mara Snyder, Director, Legal and Code Services
John Haines, Code Specialist
John Hibner, Code Specialist
Beth Sutor, Secretary
Chris Childers, Administrative Assistant

- (c) James Schmidt, Deputy Attorney General, and Gary Bippus, Administrative Law Judge, were present.

2. Old Business

Chairman Hawkins called for any corrections or a motion to approve the minutes of the October 1, 2013, meeting. Commissioner Richard moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

3. Third Party Inspections

Two third party inspections were presented to the Commission:

NTA Inc.
305 N. Oakland Avenue
P.O. Box 490
Nappanee, IN

and

Professional Services Inc.
1748 33rd Street
Orlando, FL

Mark Reynolds, Division of Fire and Building Safety, recommended approval. Commissioner Hoch moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

4. Variances

Tabled Variances

Variance 13-01-36 (b), Lafayette Family YMCA, Lafayette, was tabled at proponents request until December. The proponent for variance 13-06-2, SVT Elevators, Munster, and 13-06-9, SVT Elevator, Hammond had asked for the variances to be tabled until December.

Commissioner Corey had recommended the variances be denied. Following discussion, Commissioner Brown moved to deny, with the second by Commissioner Richard. It was voted upon and carried. Variance 13-10-3, Spring Hill Suites, Bloomington, was represented by Matt Delks. The request was to allow 8 mm steel wire rope suspension cables and a 6 mm steel wire

rope governor cable in lieu of the code's requirements for cable sizing (9.5mm). Commissioner Mitchell moved to approve, with the second by Commissioner Richard. It was voted upon and carried. Variance 13-10-5, Corbin Storage, Greencastle, was not represented. Commissioner Von Deylen moved to table, with the second from Commissioner Brenner. It was voted upon and carried. Variance 13-10-7 (a)(b)(c)(d)(e)(f), Gary City Hall Elevator Modernization/Replacement, Gary, was represented by Aravind Muzumdar of North-West Engineering Company. Variance (a) was to allow the elevator to not include the required vent in the existing hoistway. It was explained that, in order to vent the hoistway, the vent would have to discharge into the historic dome. During discussion, it was determined that a window is located to the outside of the building and the elevator could be vented through this window if all holes were sealed. Commissioner Von Deylen moved to deny (a), with a second by Commissioner Brenner. It was voted upon and carried. Variance (b) was to allow the existing enclosure for the machine room to continue with ½ hour fire-rated walls, instead of the 2-hour rating required. Mr. Muzumdar explained that the rest of the building was not fire-rated. After discussion concerning methods to achieve the required fire rating, Commissioner Brenner moved to deny, with a second by Commissioner Cloud. It was voted upon and carried. Variance (c) was to allow the elevator to operate without the necessary independent ventilation system. Mr. Muzumdar explained that to install the air conditioning system would cost \$300,000 for just the machine room. The building is steam heated with a central air conditioning unit that cools the machine room. Commissioner Von Deylen moved to approve, with the conditions that the steam radiator be made inoperable, the 2-hour fire rating be maintained, including required dampers, and the air conditioning system be maintained, with the second by Commissioner Cloud. It was voted upon and carried. Variance (d) was to allow the existing 81" headroom to remain, instead of the required 84". After discussion, Commissioner Von Deylen moved to approve, with the condition that appropriate signage warning of the low headroom be posted, with the second by Commissioner Cloud. It was voted upon and carried. Variance (e) was to allow the machine room to house the air handling system for the building. Following discussion, Commissioner Cloud moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried. Mr. Muzumdar withdrew variance (f). Variance 13-10-16 (a)(b) Midwest Technical Institute, Brownsburg, had been requested to be tabled by proponent. Commissioner Mitchell moved to table, with the second by Commissioner Hoch. It was voted upon and carried. Variance 13-10-34, Ivy Towns and Flats, West Lafayette, was represented by Ed Rensink, RTM Consultants. The request was to delete the requirement for property lines between townhouses. The townhouses have 2 hour fire rated walls as required separating each townhouse. Following a lengthy discussion concerning the basis for the property line requirement and the impact of granting this variance, Commissioner Von Deylen moved to approve, with the second by Commissioner Brenner. It was voted upon and carried by a vote of 5 to 4. Variance 13-10-36, Angie's List – Yellow House, was represented by Mellissa Tupper, RTM Consultants. The request was to allow a change of use through Rule 13 for a structure that exceeded the permitted square footage of 3,000 with a total area of 4,314 sq. ft. and third floor. Third floor is used to store office supplies. A sprinkler system is installed

along with smoke alarms tied to the security system. Following discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Cloud. It was voted upon and carried, with one nay vote. Variance 13-10-37, Angie's List – Blue House, was represented by Melissa Tupper, RTM Consultants. The request was the same as variance 13-10-36 for a different building. Commissioner Mitchell moved to approve, with the second by Commissioner Brown. It was voted upon and carried, with one nay vote. Variance 13-10-38 (a)(b), Angie's List – Dorman Building, was represented by Ed Rensink, RTM Consultants. Variance (a) was to allow a score of +9.7 for "fire alarm system", +3.7 in Means of Egress and +3.7 in General Safety. Following discussion, Commissioner Brenner moved to approve (a), with the second by Commissioner Von Deylen. It was voted upon and carried, with one nay vote. Variance (b) was to allow a score of "0" instead of -14 for vertical openings to allow the existing open stairways to be used for egress. Mr. Rensink stated that the cost of a sprinkler system would be approximately \$50,000. The second floor does meet the half diagonal separation requirement. Mr. Rensink offered to include full smoke detection throughout, which is not currently provided. Commissioner Brenner moved to approve, with the conditions that an automatic smoke detection system be installed throughout and all exit signage to the exit onto roof of building be removed, with the second by Commissioner Hoch. It was voted upon and carried. Variance 13-10-42 (a), Illinois Place, Indianapolis, was represented by Anderson Keller, and Ed Rensink, RTM Consultants. The variance was to accommodate existing windows for dryer vents that are less than 3 feet from operable windows. Following discussion, Commissioner Brown moved to approve, on the condition that management to bring the windows into compliance upon request of a tenant, with the second by Commissioner Hoch. It was voted upon and carried. Variance 13-10-52, Boyd Corporation, was represented by Steve Ryno, Progressive Engineering. The variance was to allow the building to be over area for construction type. The nearest building is located 25 ft from the property line. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Richard. It was voted upon and carried. Variance 13-10-56, Gurdwara Jot Amrit Parkash, Fishers, was represented by Ed Rensink, RTM Consultants. The request was to allow continued temporary use of the first floor of building until the building is brought into compliance. Mark Fasel, Building Commissioner for the Town of Fishers, explained concerns because the citation was written in November of 2012, and no progress has been made. Following discussion, Commissioner Brown moved to approve the extension of the previous variance until March 30, 2014, with the conditions that there would be immediate compliance with Chapter 4 of the 2008 Indiana Fire Code, that a fire watch was to be provided at any time the building is occupied by anyone other than contractors, and that the local building official would inspect the floor joists prior to occupancy, with the second by Commissioner Hoch. It was voted upon and carried.

Breaking and reconvening. Chairman Hawkins recessed the commission at 10:47 a.m. It was called back to order at 11:00 a.m.

Regular Variances

Chairman Hawkins called for any abstentions or variances to be called out of the block vote. Commissioner Brenner called out 13-11-65, Main Gate Sports Bar and Restaurant, Evansville. Commissioner Von Deylen called out 13-11-61 (a), Reitz Memorial Soccer Field Concession Building, Evansville. Commissioner Hoch noted he would abstain from voting on variance 13-11-63, Cardon Independent Living, Fishers, and 13-11-75, Cardon 4-Plex Cottage Homes, Fishers. Commissioner Cloud noted that he would abstain from voting on variance 13-11-31, Historic Schnull Rauch House, Indianapolis. Commissioner Mitchell noted he would abstain from voting on variance 13-11-46, Prairie Lakes, Noblesville. Commissioner Brenner then moved to approve all remaining “A” and “B” variances, with the second by Commissioner Cloud. It was voted upon and carried.

The following variances were approved as submitted:

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|------|-------------|---|
| (1) | 13-11-2 | Big Four Station, Jeffersonville |
| (2) | 13-11-3 | Three Rivers Luxury Apartments Fire Hose Removal, Ft. Wayne |
| (3) | 13-11-4 | Earlham College VPAC, Richmond |
| (4) | 13-11-7 | Sullivan County Airport Above Ground Fuel Tanks, Sullivan |
| (5) | 13-11-8 | Meadow Wood Senior Living Elevator #2, Fishers |
| (6) | 13-11-9 (a) | Valle Vista Hospital Residential Unit, Greenwood |
| (7) | 13-11-14 | Caito Foods, Indianapolis |
| (8) | 13-11-15 | Eli Lilly Building K105A Ecospace Elevator, Indianapolis |
| (9) | 13-11-16 | College Park Condos Windows, Bloomington |
| (10) | 13-11-17 | INDOT Historical Mechanic Street Relocation, Jeffersonville |
| (11) | 13-11-18 | INDOT Historical Pearl Street Relocation, Jeffersonville |
| (12) | 13-11-19 | INDOT Historical Market Street Relocation, Jeffersonville |
| (13) | 13-11-20 | Indiana State University North Residence Hall East Bldg, Terre Haute |
| (14) | 13-11-21 | Indiana State University North Residence Hall West Bldg, Terre Haute |
| (15) | 13-11-23 | State Road 1 Storage, Guilford |
| (16) | 13-11-25 | Panera Bakery Café #706, Schererville |
| (17) | 13-11-27(b) | 516 Northwestern Avenue, West Lafayette |
| (18) | 13-11-31(b) | Historic Schnull Rauch House, Indianapolis |
| (19) | 13-11-34 | Brown Elementary School Renovation, Brownsburg |
| (20) | 13-11-36 | Stanley Convergent Security Solutions 1st Floor Showroom Pod, Fishers |
| (21) | 13-11-37 | IU Health Bedford Hospital Modular MRI, Bedford |
| (22) | 13-11-38 | McDonalds-Mitchell ACI 12055, Mitchell |
| (23) | 13-11-39 | Duke Energy New Pole Barn, Bloomington |
| (24) | 13-11-43 | Red Cross Headquarters, Indianapolis |

- (25) 13-11-45 201 N. Delaware St. 2nd & 3rd Floor Renovation, Indianapolis
- (26) 13-11-50 The American Building, Indianapolis
- (27) 13-11-55 The Overlook Building 1, South Bend
- (28) 13-11-56 Reflections at Bluestone Senior Living Phase 2, Greenfield
- (29) 13-11-57(b) The Lofts at Pulliam Square, Indianapolis
- (30) 13-11-59(c) Reliable Care Adult Day Care, Evansville
- (31) 13-11-61(b)(c) Reitz Memorial Soccer Field Concession Building, Evansville
- (32) 13-11-62 Dogwood Kennels – New Building, Lafayette
- (33) 13-11-66(b)(c)(d) Steel Dynamics Inc. Equipment Lean-to Addition, Jeffersonville
- (34) 13-11-68 IUB SCRS Pool Maintenance and Repairs, Bloomington
- (35) 13-11-72 VOG Still Waters Youth Camp Temporary Construction Tent, Lexington
- (36) 13-11-74 The Overlook Building 2, South Bend
- (37) 13-11-77 Maplecrest Apartments, Ft. Wayne
- (38) 13-11-78 The Hamptons, Noblesville
- (39) 13-11-83 St. George Orthodox Church, Fishers

The following variances were heard separately:

- (40) 13-11-1 Hillside Apartments, Bloomington

Jim Gronquist spoke as proponent and presented the variance which was a request to not be required to extend the sprinkler system to the open air patios. Commissioner Brown moved that no variance was required, with the second by Commissioner Brenner. It was voted upon and carried.

- (41) 13-11-5 Timberland Warehouse Shed, Indianapolis

Paul Carrol, Mercher Belanger PC, spoke as proponent and presented the variance which was a request to allow for no fire hydrant within 400 ft of all parts of the structure. The structure was a shed that would not be regularly occupied by any employee and used entirely for storage of lumber. Following discussion, Commissioner Mitchell moved to approve contingent upon installing two fire gates 20 feet away on each side, with the second by Commissioner Richard. It was voted upon and carried.

- (42) 13-11-6 Talbott Commons Remodel, Indianapolis

Tim Callas, J&T Consultants spoke as proponent. Variance 13-11-6 was a request to allow restaurant exhaust discharge 2'6" from the assumed property line and 9'4.5" above grade, where the code requires each distance to be 10'. After discussion, Commissioner

Mitchell moved to approve, with the second by Commissioner Richard. It was voted upon and carried.

Mr. Callas asked that variances 13-11-66 and 13-11-67 be moved up to accommodate his plane schedule. Commissioner Cloud moved to move 13-11-66 and 13-11-67, with the second by Commissioner Goeden. It was voted upon and carried.

- (43) 13-11-66 (a) Steel Dynamics Inc. Equipment Lean-to Addition, Jeffersonville

Tim Callas, J&T Consultants, spoke as proponent and explained that the request was to allow an S-2 occupancy addition of 32,00 sq. ft. to be added to an existing F-2/S-2 occupancy of 289,537 sq. ft., which would make the resulting building over allowable area for Type IIB Construction. Following discussion, Commissioner Brenner moved to approve with the condition that fuel storage is not allowable, with the second by Commissioner Richard. It was voted upon and carried.

- (44) 13-11-67 (a)(b) 2063 N. Meridian St. Apartments Remodel, Indianapolis

Tim Callas, J&T Consultants, spoke as proponent and explained that variance (a) was a request was to provide a 13D sprinkler system in lieu of the 2 hour fire separation requirement for a Chap. 34 change of occupancy from a B to an R-2, and that variance (b) was a request to allow the dwelling units to have a single means of egress. Following discussion, Commissioner Brenner moved to approve both (a) and (b), with the second by Commissioner Von Deylen. It was voted upon and carried.

- (45) 13-11-9 (b) Valle Vista Hospital Residential Unit, Greenwood

Doug Trent, RTM Consultants, spoke as proponent and explained that the request was to allow the delayed egress locking devices to be reset remotely from a nurses station, rather than manually as required by code. He explained that the residents trigger the fire alarms to escape from the building. Commissioner Richard moved to approve with the added approval to allow a 3-second delay between the activation of the fire alarm and the release of the delayed egress devices, with the second by Commissioner Brenner. It was voted upon and carried, with one nay vote.

- (46) 13-11-10 St. Peter's Lutheran Church and School Addition, Ft. Wayne

Doug Trent, RTM Consultants, spoke as proponent. The application was to allow for two of four restrooms to be constructed without compliance with the applicable accessible code requirements. Commissioner Von Deylen moved to approve, with the second by Commissioner Brenner. It was voted upon and carried.

- (47) 13-11-11 In His Image Church Sprinklers, Kokomo

Doug Trent, RTM Consultants, spoke as proponent. The facility was granted a previous variance under the 2003 Indiana Building Code to allow occupant load in excess of 300 and a fire area greater than 12,000 sq. ft. without a sprinkler system, with the addition of an automatic smoke detection system. The construction was delayed and the current request was to allow the same variance under the 2008 Indiana Building Code, with the same addition of an automatic smoke detection system. Commissioner Cloud moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried, with two nay votes.

- (48) 13-11-12 Hoosier House Furnishings LLC, Goshen

The application was incomplete and ineligible to be heard. Commissioner Brenner moved to table, with the second by Commissioner Richard. It was voted upon and carried.

- (49) 13-11-13 Sincere Heart Adult Day Care Center, Merrillville

The proponent asked that the application be tabled. Commissioner Brenner moved to table, with the second by Commissioner Richard. It was voted upon and carried.

- (50) 13-11-24 Eat Drink Café Restaurant, Indianapolis

John Bennett, JT Designers, spoke as proponent. The application asked to allow rear entry to not comply with accessibility requirements. No change of occupancy has occurred. Following discussion, Commissioner Von Deylen moved that no variance was required, with the second by Commissioner Cloud. It was voted upon and carried.

- (51) 13-11-26(a)(b) The Mezz, Carmel

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. Variance (a) was to allow all of the exiting of 2 stories of a 5 story apartment building to go through horizontal exits, instead of just 50% as permitted by the 2008 Building Code. All of the exiting from those 2 stories would go through the parking garage. There was discussion about the absence of any easement between the apartment building owners and the parking garage owners to permanently allow the exiting. Request (b) is to allow a 2 hour fire barrier to be constructed as the separation between the apartment building and the garage, in lieu of the required fire wall. Following discussion, Commissioner Brenner moved to table both (a) and (b) to address the lack of at least 1 vertical exit and to provide the

necessary permanent easement, with the second by Commissioner Richard. It was voted upon and carried.

- (52) 13-11-27 (a) 516 Northwestern Avenue, West Lafayette

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The Type IIB building has metal siding attached to plywood in the south stairway, which is not allowable by code. The plywood is only in 7% of the exterior walls. Commissioner Brenner moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (53) 13-11-28 Landmark Center Elevator, Evansville

The application, represented by Stacy Stevens, is to allow the elevator to operate without the code required fire alarm landline phones. Following discussion, Commissioner Cloud moved to deny, with the second by Commissioner Hoch. It was voted upon and carried, with two nay votes.

- (54) 13-11-29 Tom Wood East Mobile Office, Indianapolis

Paul Carrol, Mercer Belanger PC for Triangle Properties, LLC., spoke as proponent. The request was for an exception to the requirement for a fire hydrant within 400 feet of mobile office. At the nearest point, the structure is 730 feet away from the hydrant. Mr. Carrol proposed to install a dry hydrant northeast of property pond. Mara Snyder, Director, Legal & Code Services noted that this would have been recommended by staff with that alternative. Commissioner Cloud moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (55) 13-11-30 Sweetwater 2013 SW Expansion, Ft. Wayne

Dennis Bradshaw, FP&C Consultants, spoke as proponent. The variance was requesting to allow a common path of exit travel to be 116 feet instead of the code allowed 100 feet for a mezzanine a warehouse space accessed only by employees on a limited basis. Commissioner Cloud moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

- (56) 13-11-31(a)(c) Historic Schnull Rauch House, Indianapolis

Commissioner Cloud noted he would abstain from this vote. Christina Collester, RTM Consultants, spoke as proponent. She asked that variances 13-11-76, 13-11-80, and 13-11-82 be moved up in the agenda to accommodate another appointment. Commissioner

Von Deylen moved to move up the required variances, with the second by Commissioner Goeden. It was voted upon and carried. Variance (a) was to allow substantial numbers of additional points in the Chapter 34 scoring to permit the building, listed on the National Register of Historic Places, to change of occupancy from “B” to “A-2”. Variance (c) was to allow the 3rd floor ballroom to be served by a single exit. Following discussion, Commissioner Brenner moved to approve both (a) and (c), with the second by Commissioner Von Deylen. It was voted upon and carried.

- (57) 13-11-76(a)(b)(c) Heritage Research Group – Building 500, Indianapolis

Christina Collester, RTM Consultants, spoke as proponent. Variance (a) was to allow a new H-4 (for corrosives) building to be constructed adjacent to non-rated buildings without the required fire rating for exterior walls and openings. Variance (b) was to allow the omission of the required sprinkler system for the H-4 occupancy. Variance (c) was to allow the omission of restrooms and drinking fountains in the new H-4 occupancy, because of the proximity of restrooms and drinking fountains in adjacent buildings. Commissioner Brenner moved (a), (b) and (c), with the condition that the 1 hour rolling fire door requested by the local fire official be installed, with the second by Commissioner Richard. It was voted upon and carried.

- (58) 13-11-80 The Sanctuary on Penn, Indianapolis

Christina Collester, RTM Consultants, spoke as proponent. The application is to allow a change in occupancy from a building constructed as a church in 1875 before current codes, to a banquet and event center. The building is on the National Register of Historic Places. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (59) 13-11-82 Clubhouse 2050, Indianapolis

Christina Collester, RTM Consultants, spoke as proponent. The application addressed whether the current use as a banquet/nightclub facility constituted a change of use from the original occupancy as a funeral home, constructed in 1938. Ms. Collester stated that the Indiana Building Rules and Regulations in effect in 1938 permitted either use to occur in a building constructed of the same materials and all other rules were common to both uses. Following discussion, Commissioner Von Deylen moved that no variance is required, with the second by Commissioner Brenner. It was voted upon and carried.

Breaking and reconvening. Chairman Hawkins recessed the Commission for lunch at 12:34 p.m. It was called back to order at 1:25 p.m.

- (60) 13-11-32(a)(b)(c) Cummins SEP High Horsepower Tech Center, Seymour

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. Variance (a) was to allow additional square footage to an already non-compliant building that did not comply with the requirements for an unlimited area building because of a railway right of way that was only 50 feet away instead of the required 60 feet. Variance (b) was to allow the exiting travel distance be increased to over the code allowed 250 feet to approximately 400 feet. Variance (c) was to allow space for meeting rooms and employee cafeterias to exceed the allowable area for A-3 use groups within an existing manufacturing building. The local fire chief has requested that an additional exit door be installed. Following discussion, Commissioner Mitchell moved to approve, with the condition that additional exit door be installed, with the second by Commissioner Brown. It was voted upon and carried.

- (61) 13-11-33 IU Health Clinical Pathology Lab Hazardous Materials Storage Study, Indianapolis

Neal Locasto, RTM Consultants, spoke as proponent. The variance was to allow the storage of flammable liquids in excess of the code permitted 3 flammable liquid storage cabinets in a fire area. The building is fully sprinklered. The materials are stored in flammable liquid storage cabinets. There is a 30 gallon limit. Following discussion, Commissioner Brenner moved to approve provided that no more than 30 gallons are stored per fire area, and the storage was to be contained in flammable liquid storage cabinets, with the second by Commissioner Von Deylen. It was voted upon and carried, with one nay vote.

- (62) 13-11-35 IU Health Riley Hospital Surgery Waiting 2nd Floor, Indianapolis

Neal Locasto, RTM Consultant, spoke as proponent. The request was to be permitted to lock exit stair doors against re-entry. It is a secure facility and the doors unlock upon activation of fire alarm system, sprinkler system and upon loss of power. Commissioner Brenner moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (63) 13-11-40 Greene County General Hospital Fire Hose Removal, Linton

Original signatures have been mailed to Commission, but had not been received by staff, and the proponent had requested that the Commission hear the variance with the condition that the originally signed copy of the application be received by staff within 7

days. Commissioner Brenner moved to approve, with the condition that the originally signed copy of the application be received by staff within 7 days, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (64) 13-11-41 Clinton Eagles Addition, Clinton

Doug Trent, RTM Consultants, spoke as proponent. The application was to allow the building to be over area because an open air canopy addition had been constructed to an existing lodge hall. They intend to use the area as a smoking area/picnic area. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried, with one nay vote.

- (65) 13-11-42 Messmann's Meats, Huntertown

Ed Rensink, RTM Consultants, spoke as proponent. The request was for a non-Type I kitchen hood system to be permitted over cooking equipment that is used to smoke meat products. A Type II hood would be provided. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Hoch. It was voted upon and carried.

- (66) 13-11-44 Peru Physical Therapy Office, Peru

Ed Rensink, RTM Consultants, spoke as proponent. The request was to omit the code required 1 hour rated corridor in a building with two separate functional spaces. Following discussion, Commissioner Mitchell moved to approve, with the condition that a 1 hour fire partition be installed to separate the two spaces, with the second by Commissioner Hoch. It was voted upon and carried, with one nay vote.

- (67) 13-11-46 Prairie Lakes, Noblesville

Tim Ochs, Ice Miller, spoke as proponent. Commissioner Mitchell abstained from voting on this variance. The application was a request to use one sanitary sewer lateral to serve one building, which consists of more than one townhouse. The other buildings in the development were completed before the nonrule policy prohibiting the use. Commissioner Von Deylen moved to approve, with the second by Commissioner Hoch. It was voted upon and carried, with one nay vote.

- (68) 13-11-47 Summerlin Realty Corp. Elevator #33873, Indianapolis

Heather Riddle represented the applicant with the request to extend previous variance (12-10-23) to allow an additional year to replace the required safety bulkhead. The proponent has been compliant in monthly monitoring of oil checks and quarterly pressure checks. Following discussion, Commissioner Brenner moved to approve for 1 year, with the condition that the monthly oil checks and quarterly pressure checks be documented and sent to staff, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (69) 13-11-48 Building Bridges Early Learning Center, Greenwood

Ryan Muzzillo, Halstead Architects, and Deborah Rohrman spoke. The request was to allow non-fire retardant treated wood to remain in a Type II B building. Following discussion, Commissioner Cloud moved to approve, with the condition that the required original signatures on the application be provided to staff within 14 days, with the second by Commissioner Goeden. It was voted upon and carried.

- (70) 13-11-49 Backstage Bar and Grill, Evansville

Ed Rensink, RTM Consultants, spoke as proponent. The variance was a request to supersede previous variance, 13-06-11, that, as a condition, required a fire alarm system in the tenant space. The ground floor of building has a security system and smoke detectors could be tied into this system. Marc Reynolds expressed concerns that there are no notification devices. Dean Illingworth noted that the bar has been in business for 2 years, and the cost should not be the issue. Ben Miller, the local building official notified the Commission that the bar would have to close if the Commission denied the variance and stated that he would be in favor of the variance. Commissioner Von Deylen moved to approve an extension of 12 months to fully comply with previous variance, with the second by Commissioner Brenner. It was voted upon and carried, with 2 nay votes.

At this time, the Commission discussed whether it was considered evidence of the required notification to submit a "Read Receipt" as proof that an LFO/LBO had received notification of a variance application. Following discussion, Commissioner Brenner moved to accept "Read Receipts", with a second by Commissioner Von Deylen. It was voted upon and carried, with one nay vote.

- (71) 13-11-51 Saint Francis & Clare Parish Administrations Renovations, Greenwood

Ed Rensink, RTM Consultants, spoke as proponent. The variance request was to allow non-rated openings in a fire- rated corridor. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Hoch. It was voted upon and carried.

Breaking and reconvening. Chairman Hawkins recessed the Commission at 2:44 p.m. It was called back to order at 2:54 p.m.

- (72) 13-11-52 Indiana Mentor, Merrillville

George Novagrove and owner Janet Mummey addressed the Commission. The request was to allow the use of the previous business/manufacturing facility as a mentoring facility. Following discussion concerning how the current facility operates, including the self evacuation skills of the clients, Commissioner Von Deylen moved that no variance was required because the current occupancy was also a B occupancy, with the second by Commissioner Hoch. It was voted upon and carried.

- (73) 13-11-53 Linden Square II, Avon

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow townhouses to be constructed without the required property lines. Commissioner Brenner moved to approve, with the second by Commissioner Richard. It was voted upon and carried, with two nay votes.

- (74) 13-11-54 Amos-Hill Building – Addition, Edinburg

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow the 21,600 sq. ft. addition to exceed the allowable area for current code. The addition and the existing buildings would be protected by a sprinkler system. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (75) 13-11-57 (a) The Lofts at Pulliam Square, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request was to supersede variance 13-09-47(e), to allow 5 of the original units to be designed as 2-level residential flats and 1 residential flat over a storage room. Following discussion, Commissioner Brenner moved to approve, with the condition that fireworks would be prohibited in the storage room, with the second by Commissioner Brown. It was voted upon and carried.

- (76) 13-11-58(a)(b) The Lodge at 829 N. Penn, Indianapolis

Keith Wiggins, Reid Properties, spoke as proponent. Variance (a) was a request was to allow the rear entrance to the existing building to remain not accessible. Variance (b) was to omit the required adaptable unit, because, if (a) was granted, there would not be an accessible route to the unit. Following discussion, Commissioner Brenner moved to approve both (a) and (b), with the second by Commissioner Von Deylen. It was voted upon and carried.

- (77) 13-11-59(a)(b) Reliable Care Adult Day Care, Evansville

Ed Rensink, RTM Consultants, spoke as proponent. Variance (a) was a request to use a hybrid evaluation to comply with Chapter 34 a change in occupancy to an I-4, due to the absence of adult daycare criteria in NFPA 101A. Variance (b) was a request to limit the Chap. 34 evaluation to just the adult day care space, instead of the entire building. Following discussion, Commissioner Brenner moved to approve both (a) and (b), with the second by Commissioner Hoch. It was voted upon and carried.

- (78) 13-11-60(a)(b) Ascension Health Ministries Service Center Renovation, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. Mr. Rensink requested that the Commission hear the variance, despite the absence of the required original signatures on the applications. Variance (a) was a request was to allow bulkhead be 16” in depth, instead of the required 18”. Commissioner Brenner moved to approve, with the condition that the originally signed application be provided to staff within 14 days, with the second by Commissioner Von Deylen. It was voted upon and carried. Variance (b) was a request to allow a convenience stair to extend 6 stories, instead of the 4 stories allowed in a B occupancy. Following discussion, Commissioner Brenner moved to approve, with the condition that the originally signed application be provided to staff within 14 days, with the second by Commissioner Richard. It was voted upon and carried.

- (79) 13-11-61(a) Reitz Memorial Soccer Field Concession Building, Evansville

Ed Rensink, RTM Consultants, spoke as proponent. Commissioner Von Deylen stated that he pulled this variance from the block vote because he felt that a variance was not required because heating in the space was not “for human comfort.” Dean Illingworth requested that the variance be approved versus requiring no variance, due to the lack of clarity in what constitutes “for human comfort”. Following discussion, Commissioner Cloud moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried, with 1 nay vote.

- (80) 13-11-63(a)(b)(c)(d) Cardon Independent Living, Fishers

Commissioner Hoch noted he would abstain from voting on this application. Ed Rensink, RTM Consultants, spoke as proponent. Variance (a) was a request to allow a number of occupied spaces to be open to the fire-rated exit corridor. The openings would be protected by close-spaced sprinklers. Following discussion, Commissioner Brenner moved to approve, with a second by Commissioner Brown. It was voted upon and carried. Variance (b) was a request to allow an unenclosed exit stair to connect 2 floors, with the use of a sprinkler curtain and an 18" bulkhead. Variance (c) was a request to allow non-rated doors in a 1 hour corridor, with quick response sprinklers on each side of the doors. Commissioner Brenner moved to approve (b) and (c), with the second by Commissioner Von Deylen. It was voted upon and carried. Variance (d) was a request to allow dryer exhaust ducts to exceed the code permitted 25'. The ducts would be installed in accordance with the manufacturer's instructions. Commissioner Brenner moved to approve, with the second by Commissioner Brown. It was voted upon and carried.

- (81) 13-11-65 Main Gate Sports Bar and Restaurant, Evansville

Ed Rensink, RTM Consultants, spoke as proponent. The request was to omit the required sprinkler system for an existing exterior awning, where there is no seating or other use of the sidewalk under the awning. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Richard. It was voted upon and carried.

- (82) 13-11-69 Mishawaka Grove Development, Mishawaka

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow a 3-story R-2 building on top of a one story podium to use the single exit design. Following discussion, Commissioner Cloud moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (83) 13-11-70 Java Mama, Ft. Wayne

Edward Welling, Grinsfelder Associates Architects, spoke as proponent. The request was to allow the omission of the required sprinkler system for an A-2 occupancy with a calculated occupant load over 100. Following discussion of how the occupant load was calculated by the applicant and by state Plan Review, Commissioner Brenner moved to approve, with the condition that the occupant load for the building be posted at 99 and that the occupant load for each room also be posted, with the second by Commissioner Hoch. It was voted upon and carried, with one nay vote.

- (84) 13-11-71 Triumph Court Townhomes, South Bend

Ed Rensink, RTM Consultants, spoke as proponent. The request was to omit the required property lines for the townhouses. Commissioner Brown noted his continuing objection to this and similar variances on the agenda. Following discussion, Commissioner Cloud moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried, with four nay votes.

- (85) 13-11-73 Prologis Lebanon Commerce Park – Shell Building #1 Phase 1, Lebanon

Steve Wolin, Code Consultants Inc., spoke as proponent. The request was to allow the use of an alternative sprinkler system for the storage of exposed expanded Group A plastics in racks. Following discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Brown. It was voted upon and carried.

- (86) 13-11-75 Cardon 4-Plex Cottage Homes, Fishers

Ed Rensink, RTM Consultants, spoke as proponent. The request was to omit the required 13R sprinkler system and install a 13D system for the cottage home buildings, all of which are single story slab on grade. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried. Commissioner Hoch abstained.

- (87) 13-11-79 The Artistry (451 Market Street), Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to omit the required 2 hour fire rated access room and termination room for the trash chute. The trash chutes are enclosed in 2-hour fire rated protection and protected by sprinklers. Commissioner Brenner moved to approve, with the second by Commissioner Brown. It was voted upon and carried.

- (88) 13-11-81 SRI SHIRDI SAIBABA SANSTHAN OF TRISTATE Temple, Newburgh

Roger Lehman, RLehman Consulting, spoke as proponent. The request was to allow the use of Chap. 34 with 3.5 additional points for area in fire safety and 2 additional points for elevator controls, in order to avoid having to install a sprinkler system throughout for the use as an A-3. A 2 hour fire barrier will be installed between the first and second story. Concerns were raised that unpaid invoices for fire watch personnel are still outstanding. Following discussion, Commissioner Brenner moved to approve, with the

conditions that all outstanding fire watch invoices be paid and that all exit doors swing in the direction of egress travel, with the second by Commissioner Hoch. It was voted upon and carried, with two nay votes.

- (89) 13-11-84 Alley Cat Lounge, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request was to omit the required parapet wall on the existing north wall, which has to be fire-rated in this change of occupancy from a B to an A-2. T.J. Burns, Indianapolis Fire Department, withdrew his recommendation that the variance be denied. Commissioner Mitchell moved to approve, with the second by Commissioner Hoch. It was voted upon and carried.

5. LSA Doc. #13-xxx(E)- Emergency Rule for Outdoor Event Equipment

Commissioner Mitchell moved to adopt LSA Doc. #13-XXX(E), the emergency rule for outdoor event equipment, in the form contained in the document with a draft date of October 16, 2013, as distributed by staff. Commissioner Brenner seconded. It was voted upon and carried.

6. Local Variance – Indianapolis Fire Department

Schrader Building Renovation
Indianapolis, IN

Commissioner Cloud abstained from voting on this issue. Commissioner Brown moved to approve, with a second by Commissioner Hoch. It was voted upon and carried

7. Discussion and Commission Actions

ALH Building Systems
Administrative Cause No. 11-44
Order – Fire and Building Code Enforcement
Nonfinal Order of Dismissal

Commissioner Mitchell moved to affirm, with the second by Commissioner Brenner. It was voted upon and carried.

Park 41 Facility
Administrative Cause No. 12-30
Appeal of Denial
Nonfinal Order of Dismissal

Commissioner Mitchell moved to affirm, with the second by Commissioner Brenner. It was voted upon and carried.

8. Discussion and Commission action on Petitions for Review (Timely filed unless otherwise noted.)

Little Friends Day Care, Wabash
Order – Fire and Building Code Enforcement

Commissioner Mitchell moved to grant, with the second by Commissioner Von Deylen. It was voted upon and carried.

9. Comments – Mara Snyder

Mara Snyder advised that the Commission had not taken action on the NFPA 72 memo concerning proposed amendments to the published proposed rule, pending the results of the October 29 meeting of the NFPA 72 working group. She is expecting to have the memo on the December agenda, with any changes recommend by the working group, with the final form of the rule with recommended amendments on the January agenda. There are approximately 90 amendments to the published proposed rule, pending the working group proposed changes.

She explained to the Commission that counsel from the Attorney General’s office had advised that the proposed change to the definition of “townhouse” in the proposed 2014 Indiana Building Code could not include the language that specifying that townhouses would be Class 2 structures, because that would require a change to the statutory definition of Class 2 structure. The draft rule definition will delete the property lines requirement. She noted that an additional rule would be necessary to change the definition in the Residential Code. She also said that all 4 of the proposed new codes would be submitted to OMB by November 15th.

John Hibner, Code Specialist, announced that Dec. 3 would be his last Commission meeting, as he is resigning from the State of Indiana, after 30 years.

10. Chairman Hawkins then adjourned the meeting at 4:36 p.m.

APPROVED _____
John Hawkins, Chairman